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Letter dated 1 May 2002 from the Secretary-General addressed to the President of the Security Council

I am writing to inform you of my efforts to implement Security Council resolution 1405 (2002).

It has been 12 days since the Security Council unanimously adopted resolution 1405 (2002), in which the Council welcomed my initiative to develop accurate information regarding recent events in the Jenin refugee camp through a fact-finding team. As you will recall, this resolution was tabled in the Council by the United States delegation following telephone conversations that I had with Israel's Foreign Affairs and Defence Ministers, during which I was assured that Israel would cooperate fully with the team that I would designate.

On that basis, on 22 April, I announced the composition of a team to be headed by Martti Ahtisaari. The team's full members would include three principals (Mr. Ahtisaari, Sadako Ogata and Cornelio Sommaruga) and two Senior Advisers (Major General William Nash, as Military Adviser, and Deputy Commissioner Peter Fitzgerald, as Police Adviser). Subsequently, two more Senior Advisers were added: Tyge Lehmann, as Legal Adviser; and Helena Ranta, as Medical/Legal Adviser. In addition, the team was provided with technical expertise in military and security issues, as well as forensic science and general support staff.

I instructed that the team should gather in Geneva on 24 April and proceed to the area on 25 April. However, soon after I announced my plan to deploy the team, the Government of Israel began to express concerns related to the composition of the team, the scope of its mandate, how this mandate would be carried out and various procedural matters. At the request of the Government of Israel, I agreed that the Secretariat would meet with a delegation from Israel to listen to Israel's concerns and engage in a clarificatory process. I set back the arrival of the team in the area to 27 April.

The discussions with the Israeli delegation were held in a very constructive atmosphere on 25 and 26 April. By the time the Israeli delegation was able to report back on the results of those meetings, the Sabbath had begun in Israel. The Foreign Minister of Israel informed me that the Israeli Cabinet would address the issue at its scheduled meeting on 28 April and requested that the team delay its arrival for another day. I acceded to this request and Mr. Prendergast briefed the Council accordingly.

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On 27 April, I spoke on the telephone with the Prime Minister of Israel, after which I dispatched letters to the Permanent Representative of Israel and the Permanent Observer of Palestine setting out the parameters of work of the team. These letters were circulated to Council members on the same day. The Permanent Representative of Israel sent me a reply late on 27 April, in which he put forward several concerns on the part of his Government. The Under-Secretary-General for Political Affairs responded orally to Ambassador Lancry.

On 28 April, the Israeli Cabinet did not reach a decision on the fact-finding team; I was informed by Israel that the matter would be reviewed by the Cabinet at a meeting the following day. At the request of the Security Council, the Secretariat briefed the Council on the information that I had received. As you will recall, Council members agreed that you, as President, would express the Council's continuing support for my efforts to implement resolution 1405 (2002), including the letters that I had sent to the parties the day before.

The Israeli Cabinet did not meet on 29 April. Instead, I was informed by the Permanent Representative of Israel that the Cabinet had scheduled a meeting for early on 30 April. The Secretariat briefed the Council accordingly.

As you know, Israel's Ministerial Committee on National Security (the Security Cabinet) met early on 30 April, after which it issued the following statement: "Israel has raised essential issues before the United Nations for a fair examination. As long as these terms have not been met, it will not be possible for the clarification process to begin." In the absence of a formal indication of the terms on which the Government of Israel would cooperate with the fact-finding team, this statement was reviewed against the backdrop of various recent public statements by, and telephone conversations that I held with, senior Israeli officials. I was drawn reluctantly to the conclusion that, while continuing to express its concerns to the United Nations mainly in the form of procedural issues, Israel had developed concerns about resolution 1405 (2002) that were fundamental in nature.

Throughout this process, the United Nations has made every effort to accommodate the concerns of the Government of Israel within the mandate given to me by the Security Council. It was made quite clear that the team was tasked specifically to develop information about the recent events in Jenin and that the facts established would be used solely for its report to me. In my view, the team would have conducted its assignment in the field in a professional and fair manner and produced an accurate, thorough, balanced and credible report.

Clearly, the full cooperation of both sides was a precondition for this, as was a visit to the area itself to see the Jenin refugee camp at first hand and to gather information. This is why the Secretariat engaged in a thorough clarification process with the Israeli delegation.

In light of yesterday's announcement by the Government of Israel, it seems evident that the team will not be able to proceed to the area to begin its mission in the near future. While I have not received any further written communication from the Israeli Government since 27 April, in my telephone conversations over the past two days, high-level Israeli officials have broached issues additional to those raised by the delegation that came to New York last week and there have been indications that this list may not be exhaustive.

As the Secretariat has noted in its briefings to the Council, time is also a critical factor. With the situation in the Jenin refugee camp changing by the day, it will become more and more difficult to establish with any confidence or accuracy the "recent events" that took place there.

For these reasons, it is my intention to disband the fact-finding team tomorrow. I regret being unable to provide the information requested by the Council in resolution 1405 (2002), and especially that the long shadow cast by recent events in the Jenin refugee camp will remain in the absence of such a fact-finding exercise.

I should be grateful if you would bring this letter to the attention of the members of the Security Council.

(*Signed*) Kofi A. **Annan**